

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

OSCAR A. AGUILAR,

Petitioner,

v.

BRIAN CATES,

Respondent.

1:21-cv-001584 HBK (HC)

ORDER TRANSFERRING CASE TO THE
CENTRAL DISTRICT OF CALIFORNIA

(Doc. No. 1)

Petitioner is proceeding on his petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. (Doc. No. 1). Petitioner is a state prisoner incarcerated in Kern County, which is located within the jurisdiction and venue of this court's Fresno Division. Petitioner challenges his November 10, 2011 state sentence and conviction entered by the Superior Court of California, County of San Bernardino, which is located within the jurisdiction and venue of the Western Division of the United States District Court for the Central District of California.

Under 28 U.S.C. § 2241(d), jurisdiction is proper in the judicial district where the petitioner was convicted or where the petitioner is incarcerated. Therefore, both the Central District of California and the Eastern District of California have concurrent jurisdiction. *See* 28 U.S.C. § 2241(d); *Rumsfeld v. Padilla*, 542 U.S. 426, 428 (2004). However, "[f]or the convenience of parties

1 and witnesses, in the interest of justice, a district court may transfer any civil action to any other
2 district or division where it might have been brought.” 28 U.S.C. § 1404(a). Federal courts in
3 California generally hear petitions for writ of habeas corpus in the district of conviction. *Favor v.*
4 *California*, No. 116-CV-01912-DAD-EPG-HC, 2017 WL 2671006, at *1 (E.D. Cal. June 21, 2017)
5 (citing *Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968)).
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7 Thus, the Court finds in its discretion “and in furtherance of justice” the petition should be
8 transferred to the Central District of California. 28 U.S.C. §§ 1404(a), 2241(d).

9 Accordingly, it is ORDERED:

10 1. The Clerk shall transfer this action to the United States District Court for the Central District
11 of California, Western Division; and

12 2. All future filings shall reference the new case number assigned and shall be filed at:

13
14 United States District Court
15 Central District of California
16 Western Division
255 East Temple Street
Los Angeles, CA 90012-3332

17 Dated: November 4, 2021

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19 HELENA M. BARCH-KUCHTA
20 UNITED STATES MAGISTRATE JUDGE
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